

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Modification for City of Berkeley Solid Waste Management
Center & Transfer Station
SWIS No. 01-AC-0029
August 15, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Operator request for the California Department of Resources Recycling and Recovery (Department) issuance of a proposed Solid Waste Facilities Permit (SWFP) modification for Berkeley Transfer Station, Solid Waste Information System (SWIS) No. 01-AC-0029, located in Berkeley, California and owned and operated by the City of Berkeley. The Department serves as the Enforcement Agency (EA) in this jurisdiction. A copy of the proposed permit is attached. The report contains Permits and Assistance Branch staff's analysis, findings, and recommendations.

The application for SWFP Revision was received on March 1, 2011. Department staff completed a review of the permit application package and found the application package to be complete and correct. The operator waived permitting timelines until August 31, 2011. Action must be taken on this permit no later than August 31, 2011. If no action is taken by August 31, 2011, the Department will be deemed to have issued the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (11/18/1993)	Proposed Modified Full Permit
5. b. Permitted hours of operation	Public Access: 8:00 am – 4:30 pm (7 days) Station Maintenance Personnel: 5:00 am – 9:30 pm (M-F) 6:00 am – 2:00 pm (Saturdays)	Receipt of Material/Waste from Public: 8:00 am to 4:30 pm, Monday thru Sunday Facility Operations/Facility Operating Hours: 5:00 am to 9:30 pm, Monday thru Friday 6:00 am to 4:30 pm Saturday and Sunday
12. Legal Description of Facility	The legal description of this facility is contained in January 2005, Transfer/Processing Report.	Assessor Parcel Numbers: 060-236200109, 060-236200111, 060-23800102, 060-238200303 Latitude: 37.86667 and Longitude: -122.30731
13. Findings	<p>a. This facility is identified and described in the Alameda County Solid Waste Management Plan dated July 29, 1987. Public Resources Code, Section 50000.</p> <p>b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB) pursuant to Public Resources Code Section 44010.</p> <p>c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Enforcement Agency on September 30, 1993.</p> <p>d. The City of Berkeley Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.</p> <p>e. A Negative Declaration (SCH# 91063093), describing the proposed</p>	<p>a. The location of the facility is identified in the Countywide Siting Element (CSE). Alameda County adopted the CSE on August 27, 1997, and the Department (previously the Integrated Waste Management Board) approved the CSE on January 14, 1998.</p> <p>b. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC 44010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.</p> <p>d. A Final Environmental Impact Report was published in March 1980. A Negative Declaration was filed with the State Clearinghouse (SCH # 91063093) on June</p>

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	<p>changes allowed by this permit revision was filed with the State Clearinghouse on March 22, 1991.</p> <p>f. A county-wide Integrated Waste Management Plan has not been approved by the CIWMB.</p> <p>g. The City of Berkeley Planning Department has made a determination that the facility is consistent with, and designated in, the applicable general plan pursuant to Public Resources Code, Section 50000.5(a).</p>	28, 1991 and (SCH# 92103074) October 27, 1992.																										
14. Prohibitions	<p>The permittee is prohibited from accepting any liquid waste sludge, untreated medical waste, magnesium or other pyrophoric material, non-hazardous waste requiring special handling, designated waste, or hazardous waste.</p> <p>The Permittee is additionally prohibited from the following items:</p> <p>The receipt or storage of any hazardous waste generated by any other governmental agency.</p>	<p>The permittee is prohibited from accepting the following wastes:</p> <p>1. Hazardous, radioactive, medical (as defined in Title 22, Division 4, Section 117600-118360 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Transfer Processing Report and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.</p>																										
15. The following documents also describe and/or restrict the operation at the facility.	<table><tr><td>Land Use Permit</td><td>March 28, 1991</td></tr><tr><td>Air Pollution Permit</td><td>July 1, 1992</td></tr><tr><td>Report of Facility Information</td><td>February 22, 1993</td></tr><tr><td>Negative Declaration</td><td>March 22, 1991</td></tr><tr><td>Alameda County Solid Waste Management Plan</td><td>July 29, 1987</td></tr><tr><td>City of Berkeley Source Reduction Recycling Element</td><td>February 18, 1992</td></tr><tr><td>City of Berkeley Household Hazardous Waste Element</td><td>February 18, 1992</td></tr></table>	Land Use Permit	March 28, 1991	Air Pollution Permit	July 1, 1992	Report of Facility Information	February 22, 1993	Negative Declaration	March 22, 1991	Alameda County Solid Waste Management Plan	July 29, 1987	City of Berkeley Source Reduction Recycling Element	February 18, 1992	City of Berkeley Household Hazardous Waste Element	February 18, 1992	<table><tr><td>Transfer Processing Report</td><td>8/2011</td></tr><tr><td>Land Use Permit</td><td>3/28/1991 12/2/1993</td></tr><tr><td>Environmental Impact Report</td><td>3/1980</td></tr><tr><td>Negative Declaration (SCH # 1991063093)</td><td>6/28/1991</td></tr><tr><td>Negative Declaration (SCH #1992103074)</td><td>10/27/1992</td></tr><tr><td>Alameda Countywide Siting Element</td><td>8/27/1997</td></tr></table>	Transfer Processing Report	8/2011	Land Use Permit	3/28/1991 12/2/1993	Environmental Impact Report	3/1980	Negative Declaration (SCH # 1991063093)	6/28/1991	Negative Declaration (SCH #1992103074)	10/27/1992	Alameda Countywide Siting Element	8/27/1997
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16. Self Monitoring:	<p>a. An annual report of the results of all self-monitoring programs will be submitted to the Board by March 15 of each year for data collected in the preceding calendar year. Results of all self-monitoring programs will be compiled as follows: Quarterly</p> <p>Programs</p> <p>Types and quantities of decomposable and inert wastes, included separated and commingled recyclables, received each day.</p> <p>The number and types of vehicles using the</p>	<p>The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (<i>for example, 1st quarter = January – March, the report is due by April 30, etc.</i>).</p> <p>Program</p> <p>a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.</p> <p>Reporting Frequency - Quarterly</p>																										

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	<p>facility per day and per week. Transfer vehicles and collection vehicles must be totaled separately.</p> <p>All special/unusual occurrences and the operator's action taken to address or correct the problem.</p> <p>The quantities of waste transferred each day for final disposal and their jurisdiction of origin.</p> <p>The results of the daily load check program.</p> <p>The quantities of green waste transferred each day.</p> <p>All Programs are Reported To: Enforcement Agency and the Board (if the Board is not the Enforcement Agency)</p>	<p>b. The number and types of vehicles using the facility per day.</p> <p>Reporting Frequency - Quarterly</p> <p>c. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.</p> <p>Reporting Frequency – Maintain availability during EA monthly inspections</p> <p>d. Copies of all written complaints regarding this facility.</p> <p>Reporting Frequency – Within 24 hours of Complaint</p> <p>e. Operator's actions taken to resolve any complaints.</p> <p>Reporting Frequency – Within 7 days of Complaint</p> <p>f. Notification to the Enforcement Agency via telephone or electronic mail of any special occurrences, such as fires, explosions, earthquakes, significant injuries, accidents or property damage, and all measures taken to address the incident.</p> <p>Reporting Frequency – Within 24 hours of the Event</p>
17. Enforcement Agency Conditions:	<p>a. The facility shall comply with the State Minimum Standards for Solid Waste Handling and Disposal.</p> <p>b. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21031.6.</p> <p>c. The operator shall maintain a copy of this permit at the facility. It shall be made available, upon request, to the public, station personnel, and the Enforcement Agency.</p> <p>d. Additional information concerning the design and operation of this facility shall be furnished upon the request of the Enforcement Agency.</p>	<p>a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14 CCR, Chapter 3.0 Division 7.</p> <p>b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, operational shutdowns, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA during operating hours.</p> <p>c. All loads entering the facility shall undergo load checking in a manner that meets the approval of the EA. Trained load checkers shall be on-site to verify that received loads do not contain prohibited wastes. Operator shall keep records of</p>

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	<p>e. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents conditioning this permit pursuant to Public Resources Code, Section 21081.6.</p> <p>f. Any changes that would cause the design or operation of the facility not to conform to the terms and conditions of the permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change to the Enforcement Agency at least 120 days in advance of that change.</p> <p>g. Household hazardous waste, such as batteries and used oil, shall be handled in a manner approved by the Enforcement Agency and the Board (if the Board is not acting as the Enforcement Agency).</p> <p>h. The facility has a permitted capacity of 560 tons per operating day and shall not receive more than this amount without a revision of this permit.</p> <p>i. A change in facility operator will require a new permit.</p> <p>j. This permit is subject to review by the Enforcement Agency and may be suspended, revoked, or modified at any time for sufficient cause.</p> <p>k. The Enforcement Agency reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.</p> <p>l. The operator shall comply with the requirements of all applicable laws pertaining to employee health and safety; the operator is to have a written Safety Plan, available for review by the Enforcement Agency, at the facility.</p> <p>m. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions</p>	<p>training and load checks performed to meet the requirements.</p> <p>d. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.</p> <p>e. The maximum permitted daily tonnage for this facility is 560 tons per day (tpd), and shall not receive more than this amount without a revision of this permit.</p> <p>f. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.</p> <p>g. The EA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.</p> <p>h. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.</p> <p>i. A copy of this permit and Transfer Processing Report shall be maintained at the facility and be readily available to site personnel and the EA upon request.</p>

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	<p>taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the Enforcement Agency at all times.</p> <p>n. The operator shall conduct a daily waste load checking program, approved by the Enforcement Agency, to prevent and discourage disposal of hazardous waste at this station. The program shall consist of the following activities:</p> <ol style="list-style-type: none"> (1) A minimum of one random inspection of an incoming load per week. (2) Regular visual inspection of all incoming loads. (3) Loads selected shall be unloaded in a separate area way from the regular tipping area. The refuse shall be spread out and visually inspected for evidence of prohibited wastes. Any hazardous materials found shall be set aside in a secure area to await proper disposition following notification of the producer (fi known) and the appropriate governmental agencies. (4) The working floor shall be under continual visual inspection by station personnel for evidence of hazardous materials. Any hazardous materials found shall be handled as described in (3) above. (5) Station personnel performing load check duties shall be adequately trained. The training shall include recognition of hazardous waste proper handling and containment procedures, and the reporting requirement of the program. Station personnel shall be retained annually and updated as necessary. New employees shall be trained prior to assignment to a work station. The training program shall be approved by the Enforcement Agency. (6) Incidents of unlawful disposal of prohibited materials shall be recorded immediately in the Special Occurrence Log and reported to the Agency monthly. Incidents of unlawful disposal shall be reported immediately to the following agencies: <ol style="list-style-type: none"> a) California Integrated Waste 	

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	<p>Management Board</p> <p>b) Berkeley Fire Department</p> <p>c) City of Berkeley Department of Environmental Health.</p> <p>o. The operator shall maintain signs at the facility entrance indicating that no hazardous or liquid waste are accepted.</p> <p>p. Solid waste shall not remain on the tipping floor for more than 48 hours. The Enforcement Agency may approve longer removal frequency to accommodate emergency situation.</p> <p>q. The Clementina property shall not be used for the storage or handling of putrescible waste.</p> <p>r. The area between the Clementina property and the north wall of the transfer building may be used for greenwaste diversion activities. The Report of Disposal Site Information (RDSI) must be updated, and the Enforcement Agency notified, before such activities begin.</p> <p>s. Piles of greenwaste must be removed from the transfer station before active decomposition of the waste material begins.</p> <p>t. No more than 15 twenty cubic yard bins or a total of 300 cubic yards of scrap metal may be stored at the transfer station site at any one time.</p> <p>u. No more than 500 scrap tires may be stored at the transfer station site at any one time.</p> <p>v. Recyclable materials transferred to Urban Ore shall be removed at least once every 48 hours.</p> <p>w. Greenwaste stored at the Transfer Station must be kept clean of contaminants.</p>	

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) EA Certified Complete and Correct Report of Facility	Department staff acting as EA for the City of Berkeley accepted the application package as complete & correct on March 30, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
Information		
21685(b)(2) EA Five Year Permit Review	The EA completed a Five Year Permit Review on September 28, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The EA submitted a proposed Modified Solid Waste Facilities Permit on August 15, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	On August 15, 2011, WEEB staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 4, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The EA provided a public notice on July 27, 2011. No oral or written comments were received by Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed Modified Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on August 4, 2011. No violations were observed.

Based on the EA's monthly inspection reports, the facility has not received any State Minimum Standards or permit terms and conditions violations during the last five years.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Modified SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Berkeley Public Works Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents

and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The City of Berkeley Solid Waste Transfer Station currently operates under a SWFP issued by CalRecycle (previously the CIWMB), acting as the Enforcement Agency, on November 18, 1993. The proposed Modified SWFP under consideration is to update the Transfer Processing Report (TPR) and remove outdated conditions and language to the SWFP. Staff determined that updates to the TPR and SWFP would not be considered a change from what was previously allowed per 27 CCR 21665(d). Additionally, the proposed SWFP corrects an error regarding in the hours of maintenance hours in the existing permit. The current SWFP lists the hours the facility is open to the public from 8:00 am to 4:30 daily (7 days a week) and station maintenance hours as from 6:00 am to 2:00 (Saturdays). Station maintenance occurs during hours when the facility is open to the public, including weekends. The change to permit corrects the previous error.

A Final Environmental Impact Report for the City of Berkeley Solid Waste Transfer Station was approved in March 1980. A Negative Declaration (No. 1991063093) was filed with the State Clearinghouse on June 28, 1991. The 1991, Negative Declaration allowed for, "Improvements and additions include installation of motor oil recycling depot, a prefabricated hazardous materials safety storage building and removal of an underground tank and sump (includes remediation of soil) on City owned parcel adjacent to the transfer station facility."

A second Negative Declaration (No. 1992103074) was filed with the State Clearinghouse on October 27, 1992. The 1992 Negative Declaration allowed for, "Receipt and processing (via mechanical size reduction) of green material (i.e., plant/yard debris and untreated wood debris) and marketing of resultant end products."

Staff found that the proposed Modified Solid Waste Facilities Permit is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document as prepared by the City of Berkeley Public Works Department, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Modified Solid Waste Facilities Permit. Department staff has reviewed and considered the CEQA Findings adopted by the City of Berkeley. Department staff recommends that existing environmental documents are adequate for the environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the EA, the proposed Modified Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Environmental Impact Report and the Negative Declarations adopted by the Lead Agency; and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Modified Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. 2000 census information indicates that the surrounding population is approximately 37.4% White, 25.7% African American, 1.0% American Indian or Native Alaskan, 14.6% Asian, 0.2% Native Hawaiian and Other Pacific Islander, 13.9% some other race, and 7.2% two or more races. 23.0% of the total population describe themselves as Hispanic or Latino. 17.6% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

A public notice for the permit modification dated July 26, 2011, was posted at the EA office, EA website, the facility and their website, and all neighbors within 300 feet were noticed of the permit modification. The Enforcement Agency met the requirements of Title 27 of the California Code of Regulations, Sections 21660.3, in preparing and distributing the Public Notice. No public comments were received by Department staff.

Department Staff Actions:

Staff serves as the EA in this jurisdiction. The Department provided an opportunity for public comment during the Monthly Public Meeting on August 16, 2011.

